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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,526

Applicant(s)

ROBERTSON ET AL.

Examiner

James D. Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006 RCE.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,7-9,12,13,15-18,21-23 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,7-9,12,13,15-18,21-23 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed June 09, 2006 have been fully considered but are not found to be persuasive. Both the Applicant and Chmaytelli teach a combined PDA and wireless telephone that is handheld and is a mobile computer. Both the Applicant and Chmaytelli teach using a switch to manipulate the call based on whether a device is connected or disconnected to the PDA. However, instead of checking whether the headset is connected to determine whether to alert the user of the incoming phone call, the connection of the stylus is checked to determine whether to alert the user of the incoming phone call see Column 1, Lines 44-46. Applicant's art is a slight modification in which the connection of the speaker/earplug/headset is checked to determine whether to alert the user of an incoming phone call. Watanabe et al. teaches determining whether a headset/earplug is connected or disconnected to a wireless device and manipulating the phone call based on the headset/earplug connection. Beghtol et al. teaches checking for conditions of whether the user should be alerted of an incoming phone call and based on the conditions allowing the user to answer the incoming phone call or divert the phone call to a voicemail application (see Figure 2). Although, the Chmaytelli and Watanabe combination would suggest disabling the phone when the user shouldn't be alerted, the combination of Chmaytellit and Watanabe with Beghtol et al. would suggest that the PDA would check the status of the headset during an incoming phone call and diverts the call to a voicemail application when the status of the headset indicates that the user shouldn't be alerted of the incoming phone call. The headset condition would essentially be a step in between steps 206 and 208 of figure 2 of Beghtol et al.

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Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Identifying a call is not part of the invention and the Examiner apologizes but didn't see the prior amendment to the title, which was acceptable. Combined personal digital assistant and mobile phone and method of receiving a call is an acceptable title, please amend the title accordingly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 7-9, 13, 15, 16, 27 and 28 are rejected under 35 USC 103(a) as being unpatentable over Chmaytelli (U.S. Patent No. 6,233,464) in view of Sumner (U.S. Patent No. 6,091,947) in view of Watanabe et al (U.S. Patent No. 5,675,641) and further in view of Beghtol et al. (U.S. Patent No. 6,253,075).

Referring to claims 3, 13 and 28, Chmaytelli teaches a method of managing a phone call to a wireless handheld phone device of a personal digital assistant, wherein the phone call is transmitted from a device in a mobile phone network, the method comprising: determining a status of a stylus with respect to the personal digital assistant (Column 1, Lines 44-46) and

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managing an incoming phone call to the wireless handheld phone device, wherein managing the incoming phone call is based on the status of the stylus (Column 1, Lines 32-48), the managing further comprising: receiving the incoming phone call only when the stylus is determined to have a first status (Column 1, Lines 44-46) and not alerting the user of an incoming phone call when the stylus is determined to have a status other than the first status (Column 1, Lines 32-48); but does not teach determining a status of a network coverage and managing a phone call based on the status of the network coverage. Sumner teaches determining a status of network coverage and managing a phone call based on the status of the network coverage (Figure 4; 406, 407, 408). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli with the art of Sumner of determining a status of a network coverage and managing a phone call based on the status of the network coverage to divert an incoming call to a voicemail application when the handset is not disposed to receive normal voice (Column 2, Lines 36-37). The Chmaytelli and Sumner combination teach the limitations of claims 3 and 13, but do not teach determining whether a headset/earplug is connected or disconnected to the wireless device and managing the phone call based on the headset/earplug connection. Watanabe et al teaches determining whether a headset/earplug is connected or disconnected to the wireless device and managing the phone call based on the headset/earplug connection (Column 1, Lines 52-62). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli and Sumner with the art of Watanabe et al of determining whether a headset/earplug is connected or disconnected to the wireless device and managing the phone call based on the headset/earplug connection to prevent undesired feedback of speaker output to the microphone

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unit (Column 1, Lines 59-60). Chmaytelli, Sumner and Watanabe et al teach the limitations of claims 3 and 13, but do not teach checking for conditions of whether the user should be alerted of an incoming phone call and based on the conditions allowing the user to answer the incoming phone call or divert the phone call to a voicemail application. Beghtol et al. teaches checking for conditions of whether the user should be alerted of an incoming phone call and based on the conditions allowing the user to answer the incoming phone call or divert the phone call to a voicemail application (Column 6, Lines 21-39 and Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Chmaytelli, Sumner and Watanabe et al. with the teaching of Beghtol et al. of checking for conditions of whether the user should be alerted of an incoming phone call and based on the conditions allowing the user to answer the incoming phone call or divert the phone call to a voicemail application to allow a user to manually reject a call (Column 3, Lines 40-43).

Referring to claim 7, Sumner further teaches receiving a voicemail notification from the mobile phone network and presenting a voice mail notification message (Column 7, Lines 23-31).

Referring to claim 8, Beghtol et al. further teaches receiving caller data of the phone call (Column 2, Lines 19-27), wherein the caller data includes information on a phone number associated with the phone call (Column 2, Lines 19-27), and information on a name associated with the phone number (Column 5, Lines 26-30); and displaying an incoming message, wherein the incoming message includes information related to the caller data (Column 6, Lines 25-27).

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Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Chmaytelli, Sumner, Watanabe et al. and Beghtol et al. with the additional teaching of Beghtol et al. of receiving caller data of the phone call, wherein the caller data includes information on a phone number associated with the phone call, and information on a name associated with the phone number; and displaying an incoming message, wherein the incoming message includes information related to the caller data to allow a user to manually reject a call (Column 3, Lines 40-43).

Referring to claim 9, Beghtol et al. further teaches wherein the information on the phone number is identifiable or unidentifiable, and wherein the information on the name is identifiable or unidentifiable (Column 5, Lines 26-30).

Referring to claim 15, Chmaytelli further teaches a display device (Figure 1, 204) and a tap recognizer connected to the display device for recognizing user input (Column 2, Lines 20-24). Beghtol et al. teaches wherein the user input initiates a voicemail application (Column 6, Lines 21-39 and Figure 2).

Referring to claim 16, Chmaytelli further teaches a display device (Figure 1, 204) and a tap recognizer connected to the display device for recognizing user input (Column 2, Lines 20-24). Beghtol et al. teaches wherein the user input answers a phone call and initiates a call application (Column 6, Lines 43-44).

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Referring to claim 27, Beghtol et al. further teaches silencing a ringer of the wireless handheld phone device and sending the incoming phone call to the voicemail application when the user performs an action to initiate a silence routine after being alerted to the incoming phone call (Column 6, Lines 22-34 and Figure 20).

4. Claim 12 is rejected under 35 USC 103(a) as being unpatentable over Chmaytelli, Sumner, Watanabe et al and Beghtol et al. and further in view of Wang et al. (US Patent No. 6,161,134).

Referring to claim 12, Chmaytelli, Sumner, Watanabe et al and Beghtol et al. teach the limitations of claim 12 including wherein the call device is configured to be active if the phone call is being answered, but do not teach suspending a current application other than a call device and initiating the call device. Wang et al teaches suspending a current application other than a call device and initiating the call device (Column 23, Lines 50-57). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli, Sumner Watanabe et al and Beghtol et al. with the art of Wang et al of suspending a current application other than a call device and initiating the call device to allow the user to provide this feature as an operating parameter (column 23, Lines 50-51).

5. Claims 17, 22 and 23 are rejected under 35 USC 103(a) as being unpatentable over Chmaytelli in view of Watanabe et al and further in view of Beghtol et al.

Referring to claim 17, Chmaytelli teaches a computer-readable medium carrying one or more sequences of one or more instructions for managing an incoming phone call to a phone

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device of a personal digital assistant (Figures 2 and 4), the one or more sequences of one or more instructions including instructions which, when executed by one or more processors of the personal digital assistant, cause the one or more processors to perform: determining a status of a stylus with respect to the personal digital assistant (Column 1, Lines 44-46); receiving the incoming phone call only when the stylus is determined to have a first status (Column 1, Lines 32-48); and not alerting the user when the stylus is determined to have a status other than the first status (Column 1, Lines 32-48); but does not teach determining whether a headset/earplug is connected or disconnected to the wireless device and managing the phone call based on the headset/earplug connection. Watanabe et al teaches determining whether a headset/earplug is connected or disconnected to the wireless device and managing the phone call based on the headset/earplug connection (Column 1, Lines 52-62). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli with the art of Watanabe et al of determining whether a headset/earplug is connected or disconnected to the wireless device and managing the phone call based on the headset/earplug connection to prevent undesired feedback of speaker output to the microphone unit (Column 1, Lines 59-60). Chmaytelli and Watanabe et al teach the limitations of claim 17, but do not teach checking for conditions of whether the user should be alerted of an incoming phone call and based on the conditions allowing the user to answer the incoming phone call or divert the phone call to a voicemail application. Beghtol et al. teaches checking for conditions of whether the user should be alerted of an incoming phone call and based on the conditions allowing the user to answer the incoming phone call or divert the phone call to a voicemail application (Column 6, Lines 21-39 and Figure 2). Therefore at the time the invention was made, it would have been

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obvious to a person of ordinary skill in the art to combine the teaching of Chmaytelli and Watanabe et al. with the teaching of Beghtol et al. of checking for conditions of whether the user should be alerted of an incoming phone call and based on the conditions allowing the user to answer the incoming phone call or divert the phone call to a voicemail application to allow a user to manually reject a call (Column 3, Lines 40-43).

Referring to claim 22, Beghtol et al. further teaches receiving caller data of the phone call (Column 2, Lines 19-27), wherein the caller data includes information on a phone number associated with the phone call (Column 2, Lines 19-27), and information on a name associated with the phone number (Column 5, Lines 26-30); and displaying an incoming message, wherein the incoming message includes information related to the caller data (Column 6, Lines 25-27). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Chmaytelli, Watanabe et al. and Beghtol et al. with the additional teaching of Beghtol et al. of receiving caller data of the phone call, wherein the caller data includes information on a phone number associated with the phone call, and information on a name associated with the phone number; and displaying an incoming message, wherein the incoming message includes information related to the caller data to allow a user to manually reject a call (Column 3, Lines 40-43).

Referring to claim 23, Beghtol et al. further teaches wherein the information on the phone number is identifiable or unidentifiable, and wherein the information on the name is identifiable or unidentifiable (Column 5, Lines 26-30).

6. Claims 18 and 21 are rejected under 35 USC 103(a) as being unpatentable over Chmaytelli, Watanabe et al and Beghtol et al. and further in view of Sumner.

Referring to claim 18, Chmaytelli teaches determining the status of a radio switch of a personal digital assistant and if the radio switch is on, the wireless handheld phone device is capable of receiving the phone call, but does not teach determining the status of network coverage of the wireless device and wherein the network coverage is adequate if the signal strength of the phone call is sufficient for the wireless handheld phone device to maintain a connection with the mobile phone network. Sumner teaches determining the status of network coverage of the wireless device and wherein the network coverage is adequate if the signal strength of the phone call is sufficient for the wireless handheld phone device to maintain a connection with the mobile phone network (Figure 4; 406, 407, 408). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli with the art of Sumner determining the status of network coverage of the wireless device and wherein the network coverage is adequate if the signal strength of the phone call is sufficient for the wireless handheld phone device to maintain a connection with the mobile phone network to divert an incoming call to a voicemail application when the handset is not disposed to receive normal voice (Column 2, Lines 36-37).

Referring to claim 21, Sumner further teaches receiving a voicemail notification from the mobile phone network; and presenting a voice mail notification message (Column 7, Lines 23-31).

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7. Claim 26 is rejected under 35 USC 103(a) as being unpatentable over Chmaytelli, Watanabe et al and Beghtol et al. and further in view of Wang et al. (US Patent No. 6,161,134).

Referring to claims 12 and 26, Chmaytelli, Watanabe et al and Beghtol et al. teach the limitations of claims 12 and 26 including wherein the call device is configured to be active if the phone call is being answered, but do not teach suspending a current application other than a call device and initiating the call device. Wang et al teaches suspending a current application other than a call device and initiating the call device (Column 23, Lines 50-57). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Chmaytelli, Watanabe et al and Beghtol et al. with the art of Wang et al of suspending a current application other than a call device and initiating the call device to allow the user to provide this feature as an operating parameter (column 23, Lines 50-51).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.

Ewart
June 23, 2006


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